

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above amendments and discussion below.

Applicants invention has been discussed in the Amendment filed January 13, 2003, which is incorporated herein by reference. The following comments are addressed to the new grounds of the rejection in which claims 1-2, 5-6, 13, 16, 20 and 23 have been rejected under 35 U.S.C. §102 as anticipated by the reference to Tsai U.S. Patent No. 5, 420,946, as indicated at item 9 on pages 3 and 4 of the patent Office Action, and under 35 U.S.C. §102 as anticipated by the reference to Wu et al. U.S. Patent No. 6,498,870, as indicated at item 10 on pages 4 and 5 of the patent Office Action.

Claims 3-4, 17-19 and 21 have been rejected under 35 U.S.C. §103 as unpatentable over Wu as applied to claims 1 and 2 as indicated item 12 on page 6 and claims 7-9 and 22 have been rejected over the combination of Wu and Gillich U.S. Patent No. 6,310,737, as indicated at item 13 on pages 6 and 7 of the patent Office Action. Lastly, claims 24-30 have been rejected under 35 U.S.C. §103 as unpatentable over Wu in view of Gillich and further in view of Choi et al. U.S. Patent No. 6,059,416, as detailed at item 14 on pages 7 and 8 of the patent Office Action.

Applicants respectfully traverse these rejections on the grounds that independent claim 1 and 24 provide structural limitations and process limitations which define subject matter not shown or disclosed or made obvious by the references or their combination.

Each of the rejections of independent claim 1, whether anticipated by Tsai or Wu, fail to provide any indication concerning the material used for this support. Each of these references to Tsai and Wu refer to reflectors or microreflectors in a general manner without any specific feature concerning the presently claimed invention which uses an opto-mechanical switch with a glass body as a support for the mirror surface. Because neither Tsai nor Wu describe an opto-mechanical switch having a glass support for the mirror surface, Applicants submit that independent claim 1 provides a structure which is not anticipated by any of the references of record.

Additionally, Applicants invention defined by independent claim 1 provides a switch for opto switching of a light path and the prior art does not provide such a device. As an example, the reference to Wu describes micro reflectors produced by process steps known from semiconductor processing as indicated, column 2 line 65 and at column 3 line 26. The reference to Wu involves a different technical field based on the repeated reference to light reflecting semi-conductor elements particularly discussed beginning at column 4, line 12 (digital micromirror devices-DMD). Therefore, the mirrors of Wu have reflecting areas that are dimensioned an

order of magnitude below dimensions of the reflecting areas of the present invention.

Concerning any obviousness based on the reference of Tsai or Wu, Applicants wish to point out that prior to the presently claimed invention, optical switches were made by glass-bodies such as aluminum with a polished surface in order to provide the reflecting surface. It is not possible in the prior art, to produce such switches of sufficient quality on a glass body. Thus, one skilled in the art would not have any motivation to amend the switches shown in Tsai or Wu to use a glass-body of a support for the reflecting surface. The reference to Wu, as an example, describes at column 3, lines 10 to 13 difficulties in connection with coating metals on the mirrors if a glass body was used as a support for a reflecting surface.

Independent process claim 24 is submitted as not obvious from the references to Wu and Choi because the reference to Choi U.S. Patent No. 6,059,416 only describes structuring of a mirror surface by etch processes whereby the mirror surface is not separated into a plurality of micromirrors. Applicants submit that this technology of Choi does not lead to optical switches and accordingly it is submitted that a combination of Wu and Choi is not an obvious combination and certainly not a combination which provides the present invention. Additionally, claim 24 recites that the glass body is cut after being provided with the reflective layer and is subsequently arranged on the swiveling switch-body. In contrast Choi makes the structuring step as the last step. Therefore the arrangement of the glass support on the switch body should be carried out before cutting. Thus, one skilled in

the art would not arrive at the present invention based on the disclosure of Wu and Choi.

The Choi reference has a complex method that does not solve the object of the present invention. That is, it does not provide a switch that can be produced at reasonable cost and can be optimized with respect to switching. The process suggested by Choi, in contrast, would lead one skilled in the art away from the present invention because it is expensive due to semi-conductor processing steps which are both money consuming and time consuming.

Claims 15 and 21 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response to this rejection, Applicants have amended claims 14 and 21 by eliminating the objective to phrases. It is to be noted that claims 4, 6, 18, 19 and 28 have also been amended as they also contain the objectionable phrases.

Therefore, in view of the distinguishing features between the claimed invention and the references which features are not shown or disclosed or made obvious by the references or any obvious combination, and in view the changes to the claim structural to obviate the rejections under 35 U.S.C. §112, Applicants respectfully request that this application containing claims 1-9, 12-30 be allowed and be passed to issue.

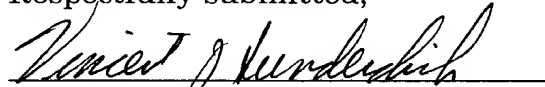
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Please charge any deficiency in fees or credit any overpayment to Deposit Account No. 05-1323 (Docket No. 622HE/48982).

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #622HE/48982).

July 21, 2003

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Vincent J. Sunderdick", is written over a horizontal line.

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